

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On Its Own Motion	:	
vs	:	
ACN Communication Services, Inc.;	:	
Bell Atlantic Communications, Inc.	:	
d/b/a Verizon Long Distance;	:	
Cellco Partnership d/b/a Verizon	:	
Wireless	:	
Comcast Phone of Illinois, LLC d/b/a	:	
Comcast Digital Phone;	:	
Forte Communications, Inc.;	:	06-0028
IQ TELECOM, INC.;	:	
MCI Communications Services, Inc.;	:	
MCImetro Access Transmission	:	
Services, Inc.;	:	
McLeodUSA Telecommunications	:	
Services, Inc.;	:	
RCN Telecom Services of Illinois, LLC;	:	
Sage Telecom, Inc.;	:	
Sprint Communications L.P. d/b/a	:	
Sprint Communications Company L.P.;	:	
Talk America Inc.;	:	
TDS Metrocom, LLC; and	:	
Trinsic Communications, Inc.	:	
Collection of information relative to the	:	
tariff filings by Illinois Bell Telephone	:	
Company reclassifying certain	:	
services as competitive	:	

ORDER

By the Commission:

On November 10, 2005, Illinois Bell Telephone Company ("AT&T Illinois" or "Company") filed tariffs with an effective date of November 11, 2005. The tariffs classify as competitive for all residential customers in MSA 1 (a/k/a the Chicago, Illinois LATA) network access lines, ISDN Direct lines, local usage, selected optional features, directory listing services, billing services and selected packages. The Company also classified for all Residential customers in MSA 1 certain packages containing combinations of specified services and combinations of services previously classified as non-competitive and services previously classified as competitive.

In a Staff Report dated December 22, 2005, the Staff of the Telecommunications Division of the Commission explained that the information provided by the Company is not sufficient for the Staff to make a determination of the extent of service offerings by competitive local exchange carriers ("CLECs") in the AT&T Illinois service territories. In order to do an informed analysis of the reclassification of the Company's tariffs, it is necessary for the Staff to gather information from those CLECs identified as operating in the Company's service territories.

Section 5-101 of the Public Utilities Act ("Act") [220 ILCS 5/5-101], made applicable to the telecommunications carriers offering competitive telecommunications services pursuant to Section 13-101 of the Act [220 ILCS 13-101], reads in relevant part:

Every public utility shall furnish to the Commission all information required by it to carry into effect the provisions of this Act, and shall make specific answers to all questions submitted by the Commission.

Staff has made the point that much of the information vital to Staff's understanding of the competitive market, generally or specifically in connection with any potential investigation into the propriety of the reclassification, is in the possession of competitive carriers that AT&T Illinois cites as providers of substitute services. In the Report, Staff has constructed a list of information that it seeks from the CLECs. The Commission is satisfied that the information sought is relevant to the analysis Staff must perform on the Company's tariff filings.

Staff has noted that information gathered from the CLECs may be subject to the restrictions of Section 5-108 of the Act. Section 5-108 provides:

Any officer or employee of the Commission who divulges any fact or information coming to his knowledge during the course of an inspection, examination or investigation of any account, record, memorandum, book or paper of a public utility, except in so far as he may be authorized by the Commission or by a circuit court, shall be guilty of a Class A misdemeanor.

Staff's concerns are well-taken. While the Commission makes no affirmative determination that the information produced in response to this order would be subject to the prohibition on divulging in Section 5-108, the Commission authorizes Staff to utilize any information in any investigation that the Commission may initiate into the reclassification of services by AT&T Illinois. Staff has also noted that the information is most likely to be proprietary in nature. Therefore, it is the Commission's expectation that the introduction of data produced in response to this order in any investigation will be done pursuant to the appropriate protective orders pursuant to Section 200.430 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.430).

Any investigation of the competitive reclassification of services will be conducted pursuant to Section 13-502 of the Act [220 ILCS 5/13-502] and, as such, will need to be concluded within 180 days after the initiation of the investigation. Time, therefore, is of the essence. Staff has recommended that responses to Staff's data requests be submitted to Staff within 14 calendar days after the issuance of the requests. The Commission finds the Staff recommendation to be reasonable, and responses to Staff's data requests shall be submitted to Staff within 14 days after the issuance of such requests. In addition, responses to the requests for information included in this order as the Appendix shall be submitted to Staff within 14 days of the entry of this order.

The Commission, being fully advised in the premises, is of the opinion and finds that:

- (1) ACN Communication Services, Inc.; Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance; Cellco Partnership d/b/a Verizon Wireless; Comcast Phone of Illinois, LLC d/b/a Comcast Digital Phone; Forte Communications, Inc.; IQ TELECOM, INC.; MCI Communications Services, Inc.; MCImetro Access Transmission Services, Inc.; McLeodUSA Telecommunications Services, Inc.; RCN Telecom Services of Illinois, LLC; Sage Telecom, Inc.; Sprint Communications L.P. d/b/a Sprint Communications Company L.P.; Talk America Inc.; TDS Metrocom, LLC; and Trinsic Communications, Inc. are engaged in the business of providing telecommunications services to the public in the State of Illinois and, as such, are telecommunications carriers within the meaning of Section 13-202 of the Public Utilities Act;
- (2) the Commission has jurisdiction over the telecommunications carriers named in Finding (1) and the subject matter of this proceeding;
- (4) the Staff Report dated December 22, 2005 should be made a part of the record of this proceeding;
- (5) the recitals of fact set forth in the prefatory portion of this order are supported by the record and are hereby adopted as findings of fact;

- (6) the telecommunications carriers listed in Finding (1) should respond to the request for information in the Appendix to this order and should submit responses to the Staff of the Telecommunications Division within 14 days after the entry of this order;

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that, pursuant to Section 5-101 of the Public Utilities Act, ACN Communication Services, Inc.; Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance; Cellco Partnership d/b/a Verizon Wireless; Comcast Phone of Illinois, LLC d/b/a Comcast Digital Phone; Forte Communications, Inc.; IQ TELECOM, INC.; MCI Communications Services, Inc.; MCImetro Access Transmission Services, Inc.; McLeodUSA Telecommunications Services, Inc.; RCN Telecom Services of Illinois, LLC; Sage Telecom, Inc.; Sprint Communications L.P. d/b/a Sprint Communications Company L.P.; Talk America Inc.; TDS Metrocom, LLC; and Trinsic Communications, Inc. shall provide responses to the requests for information contained in the Appendix to this order.

IT IS FURTHER ORDERED that the responses shall be submitted to James Zolnierrek, Policy Manager, Telecommunications Division, within 14 days after the date of the entry of this order.

IT IS FURTHER ORDERED that Illinois Commerce Commission that, pursuant to Section 5-101 of the Public Utilities Act, ACN Communication Services, Inc.; Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance; Cellco Partnership d/b/a Verizon Wireless; Comcast Phone of Illinois, LLC d/b/a Comcast Digital Phone; Forte Communications, Inc.; IQ TELECOM, INC.; MCI Communications Services, Inc.; MCImetro Access Transmission Services, Inc.; McLeodUSA Telecommunications Services, Inc.; RCN Telecom Services of Illinois, LLC; Sage Telecom, Inc.; Sprint Communications L.P. d/b/a Sprint Communications Company L.P.; Talk America Inc.; TDS Metrocom, LLC; and Trinsic Communications, Inc. are made respondents to this proceeding.

IT IS FURTHER ORDERED that the Staff of the Illinois Commerce Commission is authorized to divulge information submitted in compliance with this order in any investigation of the reclassification of services in tariff sheets filed by the Illinois Bell Telephone Company on November 10, 2005 with an effective date of November 11, 2005, with any proprietary information being introduced in any investigation subject to appropriate protective orders.

IT IS FURTHER ORDERED that the Chief Clerk serve a copy of this Order on the designated agent of each respondent.

IT IS FURTHER ORDERED that failure of any respondent to submit the responses to the requests for information as ordered may subject that respondent to civil penalties pursuant to Section 13-305 of the Public Utilities Act.

IT IS FURTHER ORDERED that the Staff Report dated December 22, 2005 be made a part of the record in this proceeding.

IT IS FURTHER ORDERED that this Order is not final; it is not subject to the Administrative Review Law.

Entered this 11th day of January, 2006.

BY ORDER OF THE COMMISSION